

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

Timothy Jackson,

Plaintiff,

v.

Laura Wright, Milton B. Lee, Melisa Denis, Mary Denny, Daniel Feehan, A.K. Mago, Carlos Munguia, and G. Brint Ryan, each in their official capacities as members of the Board of Regents for the University of North Texas System; **Rachel Gain; Ellen Bakulina; Andrew Chung; Diego Cubero; Steven Friedson; Rebecca Dowd Geoffroy-Schwinden; Benjamin Graf; Frank Heidelberger; Bernardo Illari; Justin Lavacek; Peter Mondelli; Margaret Notley; April L. Prince; Cathy Ragland; Gillian Robertson; Hendrik Schulze; Vivek Virani;** and **Brian F. Wright,** Defendants.

Case No. 4:21-cv-00033-ALM

**AFFIDAVIT OF TIMOTHY JACKSON IN SUPPORT OF HIS OPPOSITION TO
DEFENDANTS' MOTION TO DISMISS**

I, Timothy Jackson, do hereby depose and swear the following upon my oath based upon my direct knowledge and experience:

1. I am the Plaintiff in the above-captioned civil action. I am a Distinguished University Research Professor of Music Theory, and Full Professor of Music Theory at the University of North Texas.

2. The University of North Texas, acting through the Board of Regents Defendants Laura Wright, Milton Lee, Melissa Denis, Mary Denny, Daniel Feehan, A.K. Mago, Carlos Munguia, and G. Brint Ryan, as well as through other state actors

employed by the University of North Texas (collectively, UNT), have caused me to be removed from the *Journal of Schenkerian Studies* (Journal), which I founded in 2005 and have served tirelessly as part of its editorial board and staff. UNT has staged a hostile takeover of the Journal.

3. The government of the State of Texas defends these actions in its Motion to Dismiss by arguing that I somehow agreed with the recommendations of a so-called Ad Hoc Panel, which convened to investigate me and the Journal after the publication of a special Symposium in the Journal on July 24, 2021. The government of the State of Texas does not point out the reason I agreed.

4. Some changes are now necessary because UNT has stripped me and the Journal of any of the university's nominal protections for free speech and academic freedom. This was plainly stated in my Response to the Ad Hoc Panel. (See Dk#1-23 at JACKSON000274-275.)

5. For example, I stated:

The current controversy demonstrates that the Journal can no longer succeed with a student editor. It must be protected from attack by the kinds of specious and untrue accusations that have been leveled against it -- and against me. Only a senior, tenured faculty member can withstand baseless accusations of "editorial mismanagement" when unpopular opinions are published.

Id. at JACKSON000275.

6. Instead of protecting academic freedom, UNT has now excluded me from the Journal completely. First, Provost Jennifer Cowley announced her rejection of my suggestions for the protection of the Journal from state censorship and announced the reorganization of the Journal (Exhibit A). Second, UNT announced a new search committee for the editor of the Journal, which completely excludes me

(Exhibit B) and any other senior Schenkerian scholar of national and international reputation in the field of Schenkerian Analysis. It is my belief, on the information I have, that the primary criterion UNT used to select this search committee is its appointees' dedication to the prevailing illiberal orthodoxy of UNT and their commitment to censor the Journal's content accordingly. One of the members of this so-called search committee is a political scientist with no qualifications in the field of music theory whatsoever: John Ishiyama. His only qualification is that he presided over the pretextual Ad Hoc Panel.

7. UNT took over the Journal in response to my publication of free and open scholarship in the Journal Symposium of Volume 12. This has caused me extreme reputational harm. My work and career require me to teach at the graduate and undergraduate level in music theory. I am also required to research and publish in my areas of expertise and on matters of public concern, both nationally and internationally. I also direct the Center for Schenkerian Studies (Center), where the Journal was housed. The Journal and Center are my life's work.

8. As an example of the harm done to me and my reputation, UNT has caused me to become a pariah among the graduate students in music theory, among whom I traditionally taught more than almost any other professor in our Division.

9. Before UNT's retaliation against me, my graduate students had earned PhD's and secured jobs in music theory worldwide, including some former student editors of the Journal. Now, even students who have expressed sympathy with my predicament have explained that they may not work with me for fear of associating with a professor baselessly accused of "racism." Since they fear UNT's retaliation as

well, they refuse to work with me. Levi Walls is a prime example, having been pressured into renouncing his work as student editor as well as his intellectual interests and preposterously claiming to be a "whistleblower" to show his obsequiousness to the mob. Another doctoral student worked with me, and I served as this student's advisor, I helped the student study for and pass their doctoral exams, and I worked on the student's dissertation project until the semester after the controversy erupted. This student will no longer work with me. Another graduate student worked with me both in classes and outside of classes. I was this student's academic advisor until about three weeks ago. That student changed advisors because of fear of repercussions. I will not mention their names due to the repressive and retaliatory environment at UNT.

10. My reputation and career are dependent upon and advanced by my achievements, with other scholars, through the Center and Journal. These achievements have also reflected admirably upon the reputation of the University.

11. Until defamatory allegations, endorsed by the faculty and by UNT, that I had engaged in "racist behaviors" and "racist actions" by doing nothing other than publishing free and open scholarship, UNT praised the activities of the Journal and Center, which even attracted a Grammy nomination. Now the Center and Journal are prevented from engaging in the scholarship that they have advanced for almost 20 years.

12. UNT has also defunded the Journal and Center and blocks the Journal's further publication pending its hostile take over. Articles in the pipeline are therefore obstructed. The Journal and Center traditionally receive the allocation

of one graduate student assistant. This has now been withdrawn. These resources not only benefited the community; they were also direct benefits to me and my work.


13. My advancement and evaluation as a professor and the assessment of the Center depend upon peer evaluation from the faculty, almost all of whom have now signed defamatory statements calling for me to be fired, the Journal closed, and the Center canceled. Any unbiased evaluation of my career achievements or job performance is therefore no longer possible given the commitment of UNT to defamatory and biased statements and its expressed intent to retaliate against me and others for the exercise of protected speech.

14. My career depends upon the ability to publish and speak freely on matters of public concern. In the course of my career, I have published extensively in the best journals in my field. However, due to UNT's actions, my publication is now obstructed in venues in which I was previously able to publish. One example is the *Journal of Music Theory*, which is the Yale Department of Music's music theory journal, which has now censured me and the Journal.

15. Part of UNT's retaliation has also been its express refusal to follow its own policies and procedures, which purport to protect and guarantee academic freedom and free speech. UNT provides grievance procedures for faculty who face retaliation for the exercise of academic freedom and free speech. However, UNT has repeatedly refused to accept my grievances submitted through proper channels, as I explained in my first Affidavit submitted in this case. (Dk#1-1, ¶¶ 110-117.)

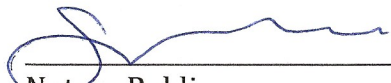
16. Instead, UNT formed a pretextual, so-called "ad hoc panel" to condemn me individually (and no one else) and further harm my reputation in response to my scholarship.

SIGNED UNDER THE PENALTIES OF PERJURY THIS 12th DAY OF APRIL 2021



Timothy Jackson

Sworn before me this 12th Day of April 2021,
and in witness of which I hereby set my hand,



Notary Public

My Commission expires: 6-26-2023

